

REMARKS

This communication is intended to be fully responsive to the Office Action mailed on July 1, 2005. If any aspect of this response is deemed to be deficient, the Examiner is invited to telephone the below signed attorney.

Claim 42 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite because "magneto resistive elements lacks antecedent basis." Applicant asserts claim 42 is definite. Claim 42, in part, recites "a plurality of magneto resistive elements", which is the first time this element is introduced. Therefore, Applicant respectfully requests this rejection be withdrawn.

Claims 8-10, 30-33, 39 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitoshi (Japan 09-243822) in view of Wu et al. (US 6045671). Claims 12, 34, 38 and 42 also are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al in view of Nakazawa et al (US 6074707). The Office Action further states that certain claims are allowable "because the prior art of record does not teach the claimed subject matter including utilizing the controller to actuate the shutters or at least one shutter in response to the electrical resistance monitored." With this amendment, each independent claim has been amended to recite that the property level being monitored is either an electrical property level or an electrical resistance, neither of which is disclosed, suggest or taught by the cited references. Therefore, Applicant believes the claims are in a position for allowance and respectfully requests a notice to that effect.

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Date: 3 October 2005

CERTIFICATION UNDER 37 C.F.R. 1.8

Date of Deposit: 3 October 2005

I hereby certify that this Amendment and the documents referred to as attached therein are being transmitted via facsimile to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 under 37 C.F.R. 1.8 on the date indicated above.

Kay Baerl
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